

### REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

The courtesy of the telephonic interview with the new Examiner, and withdrawal of the finality of the previous Office action, are gratefully acknowledged.

#### Amendments

Claims 1 and 15 have been amended to clarify that the deformation of the plate member to form a protuberance forms a corresponding depression on the opposite side of the plate member. No new matter is presented.

#### Rejections under 35 U.S.C. §102

The rejection of claims 1-3, 5, 7, 8, 11, 15, and 16 as anticipated by Rhodes, and of claims 1 and 6 over Buscemi (*et al.*), are respectfully traversed.

It has been emphasized and argued in prior responses that the present claim language, defining the protuberances as formed by deformation of the plate member, distinguishes over art citations that include a body or element attached to an anastomosis member. Inasmuch as forming the protuberances by deformation of the plate member inherently results in a depression or concavity on the side of the plate opposite from the protuberance, that structural limitation has now been added to claims 1 and 15.

Regarding the rejection over Rhodes, it is clear from Fig. 10 of the reference that the projection 50 shown therein is a structure added to the sleeve and thus not formed by deformation. The structure shown in Rhodes thus also lacks a depression or concavity on the side of the sleeve opposite from the projection.

Regarding the rejection over Buscemi, clarification is requested because the rejection cited to "Fig. 8" yet there is no such figure in the reference. Nevertheless, the cited Fig. 5 shows a single "camber 60" running the length of

the device rather than a "plurality" of protuberances. The camber is not formed by deformation but is the cross-section of the entire strip, and the surface opposite the camber is shown as flat, thus lacking any depression or concavity.

#### Rejection under 35 U.S.C. §103

The rejection of claims 1-4, 9-11, 15, and 16 as obvious over the combination of Lau (*et al.*) and Anderson (*et al.*) is respectfully traversed.

Anderson shows sharp "barbs" (20, 120, 140 on Figs. 2-4, 6, and 15-17 and col. 11, ln. 29-30, and col. 12, ln. 39-65) on the surface of the device. There is no disclosure that the barbs are formed by deformation or that there is any depression on the side of the device opposite from the barb. Rather, as shown best in Figs. 6, 7, and 17, the barbs are sharp points extending from or attached to the device. Accordingly, these barbs are not the protuberances as claimed.

The combination of Lau with Anderson does not render obvious the claimed invention. As claimed, the protuberances are formed "from" the plate member rather than "on" the plate member as shown by Anderson. If the supposed 'plate members' of Lau are alleged to be analogous to the claimed "plate member" then a protuberance such as shown by Anderson must be formed from that member. Instead, the members shown in the references appear to be formed with sharp points rather than being deformed to provide the claimed protuberances. Further, in Lau the "projecting edge 34" (e.g., Fig. 14) is the shape the member ("U-shaped members 31" at col. 6, ln. 10) takes through space, rather than a protuberance formed from the member. As has been argued in previous responses and during the interview with the previous examiner, there is a difference between the path the plate/member/body takes through space by which it may form loops or bends and protuberances formed from the same.

#### Conclusion

In light of the foregoing, withdrawal of all of the rejections, and further and favorable action, in the form of a Notice of Allowance, is believed to be next in order, and such actions are earnestly solicited.